

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided.

Upon entry of the above amendments, claims 3 and 7 will have been amended, and claims 6 and 10 will have been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 3-5 and 7-9 are currently pending. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner rejected claims 3-10 under 35 U.S.C. § 112. In this regard, the Examiner asserts that the present claim language is not consistent with the present disclosure.

In this regard, Applicants submit that claims 3 and 7 have been amended, where appropriate, in order to address the Examiner's concerns. More specifically, Applicants submit that claims 3 and 7 have been amended to delete recitation of "only" from these claims and to clarify the recitation concerning the downward motion of the ram. Additionally, claim 10 will have been canceled upon entry of the present Amendment.

Accordingly, the rejection under 35 U.S.C. § 112 is believed to be moot and should be withdrawn.

In the Official Action, the Examiner rejected claims 3 and 4 under 35 U.S.C. § 102(b) as being anticipated by JP 4-63622 (JP '622); and

the Examiner rejected claims 3-5 under 35 U.S.C. § 102(b) as being anticipated by JP 4-71731 (JP '731).

Additionally, the Examiner indicated that the allowability of the remaining claims will not be commented on until amendments are received (*see, paragraph 7, on page 4 of the Official Action*).

Without acquiescing to the propriety of the Examiner's rejections, Applicants have amended independent claims 3 and 7 solely in order to expedite prosecution of the present application.

In this regard, Applicants note that JP '622 and JP '731 do not disclose at least the combination of features generally recited in independent claims 3 and 7.

In particular, amended claim 3 generally sets forth a tapping device including, inter alia, an elastic member positioned within a space provided in the shank body, the elastic member extending between a bottom of the space and an upper end of the tap holder so as to urge the tap holder upwards.

Claim 7 (as amended) generally sets forth a tapping device including, inter alia, an elastic member positioned within a space provided in the shank body, the elastic member extending between a bottom of the space and an upper end of the tap holder so as to urge the tap holder upwards.

In setting forth the rejection which relies on JP '622 as a basis, the Examiner asserts that JP '622 discloses the presently claimed tap holder 71 and tap 69 provided in a vertically movable shank body 69. Further, the Examiner also assert that JP '622 discloses a spring (61 of 57a in Figure 6 of JP '622).

Contrary to the Examiner's assertions, Applicants submit that the device of JP '622 is very different structurally from the presently claimed invention.

More specifically, Applicants submit that the element 61, 57a which the Examiner considers to be a spring (and equivalent to the presently claimed elastic member) in JP '622 is not positioned within the shank body 69.

Thus, Applicants submit that JP '622 fails to disclose at least the presently claimed elastic member being positioned within a space provided in the shank body, the elastic member extending between a bottom of the space and an upper end of the tap holder so as to urge the tap holder upwards, as generally recited in claims 3 and 7.

In setting forth the rejection which relies on JP '731 as a basis, the Examiner asserts that JP '731 discloses the presently claimed tap holder 55 and tap 57 provided in a vertically movable shank body 53. Additionally, the Examiner asserts that JP '731 discloses a spring (45 in Figure 1 of JP '731).

Contrary to the Examiner's assertions, Applicants submit that the device of JP '731 is very different structurally from the presently claimed invention.

More specifically, Applicants submit that the element 45 which the Examiner considers to be a spring (and equivalent to the presently claimed elastic member) in JP '731 is not positioned within the shank body 53.

Thus, Applicants submit that JP '731 fails to disclose at least the presently claimed elastic member being positioned within a space provided in the shank body, the elastic member extending between a bottom of the space and an upper end of the tap holder so as to urge the tap holder upwards, as generally recited in claims 3 and 7.

Accordingly, Applicants submit that the Examiner's rejections of claims 3-10 under 35 U.S.C. § 102(b) are improper and should be withdrawn.

In view of the amendments and remarks herein, Applicants submit that independent claims 3 and 7 are in condition for allowance. With regard to dependent claims 4, 5, 8 and 9, Applicants assert that these claims are allowable on their own merit, as well as because of their respective dependencies from claims 3 and 7 which Applicants have shown to be allowable.

Thus, it is respectfully submitted that all pending claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

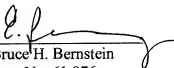
SUMMARY

Applicants submit that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicants have argued the allowability of the claims. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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